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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,635	12/09/2003	W. Michael DeLoach SR.	T105 1010.2	4719

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,635	<b>Applicant(s)</b> DELOACH, W. MICHAEL	
	<b>Examiner</b> Yvonne M. Horton	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-10, 14-23, 26-28 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-23 and 33-37 is/are allowed.
- 6) ☒ Claim(s) 2-7, 14 and 26 is/are rejected.
- 7) ☒ Claim(s) 8-10, 15, 16, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Withdrawal of Allowable Subject Matter***

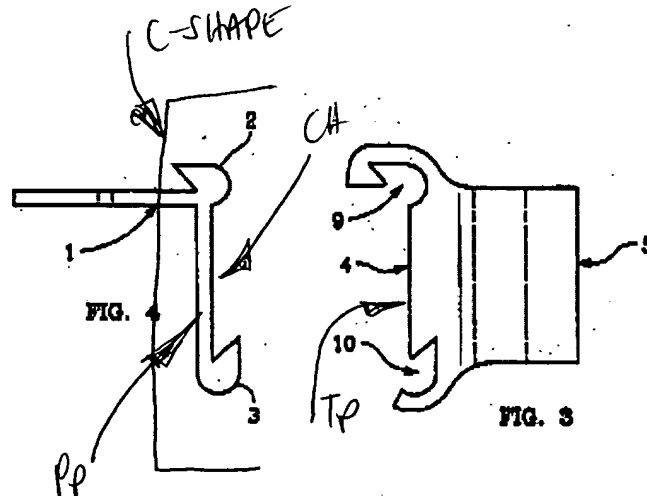
The indicated allowability of claim 26 is withdrawn in view of the newly discovered reference(s) to EKEDAL. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

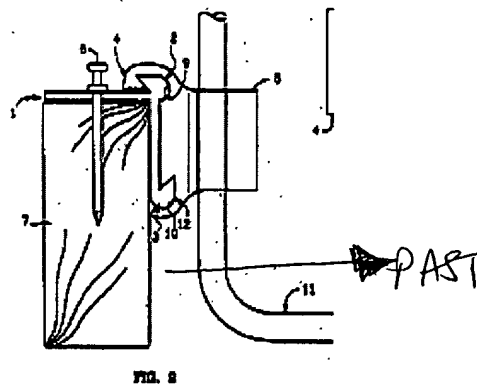
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,216,866 to EKEDAL. EKEDAL discloses a form including a plurality of spaced apart metal, column2, line 18, frame members (1) formed by a plurality of members, a reinforcing mat (11) disposed within and adjacent to the frame (1), and a plurality of brackets (4) slidably, column 1, line 58, disposed on the ends of the reinforcing mat (11) located adjacent respective ones of the frame embers (1) such that the reinforcing mat (11) is fixed to the frame (1) to thereby hold the mat (11) in place within the respective frame member (1). Regarding claim 3, each of the frame members (1) have a general C-shape with flanges (2,3) that extend inwardly toward an

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interiorly of the frame. In reference claim 4, the reinforcing mat (11) is sized to move into the frame past the inward flanges (2,3), see below. Regarding claim 5, the C-shaped



frame (1) is an inwardly facing channel (CH) defined by an outside panel portion (PP), see above, wherein the brackets are slidable, column 1, line 58, on the frame (1) against the outside panel portion (PP) through the bracket (4) by portion (TP) of bracket (4) engaging the outside panel portion (PP). In reference to claim 6, the applicant is reminded that the method of fixing the end portions after being slid, is not germane to

the issue of patentability in apparatus claims. In apparatus claims, it is the final product that is given patentable consideration. However, the brackets (4) are fixed to the end portion of the reinforcing mat (11) after being slid against and attached to the outside panel (PP) of the frame members (1), column 2, lines 20-25. Regarding claim 7, the reinforcing members (11) are re-bar, column 2, line 5, wherein, a mat inherently is comprised of a criss-crossed pattern.

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,216,866 to EKEDAL. EKEDAL discloses a form including a plurality of spaced apart metal, column 2, line 18, frame members (1) formed by a plurality of members, a reinforcing mat (11) disposed within and adjacent to the frame (1), and a plurality of brackets (4) slidably, column 1, line 58, disposed on the ends of the reinforcing mat (11) located adjacent respective ones of the frame members (1) such that the reinforcing mat (11) is fixed to the frame (1) to thereby hold the mat (11) in place within the respective frame member (1). The reinforcing members (11) are re-bar, column 2, line 5, wherein, a mat inherently is comprised of a criss-crossed pattern. The applicant is reminded that the method of fixing the end portions after being slid, is not germane to the issue of patentability in apparatus claims. In apparatus claims, it is the final product that is given patentable consideration. However, the brackets (4) are fixed to the end portion of the reinforcing mat (11) after being slid against and attached to the outside panel (PP) of the frame members (1), column 2, lines 20-25.

***Claim Rejections - 35 USC § 103***

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,216,866 to EKEDAL. EKEDAL discloses a form including a plurality of spaced apart metal, column 2, line 18, channel frame members (1) that face inwardly and are formed by a plurality of members, a reinforcing mat (11) disposed within and adjacent to the frame (1), and a plurality of brackets (4) slidably, column 1, line 58, disposed on the ends of the reinforcing mat (11) located adjacent respective ones of the frame members (1) such that the reinforcing mat (11) is fixed to the frame (1) prior to installation of the reinforcing members (11), column 2, lines 20-25 to thereby hold the mat (11) in place within the respective frame member (1). The mat (11) inherently is comprised of a criss-crossed pattern. Again, the applicant is reminded that the method of fixing the end portions after being slid, is not germane to the issue of patentability in apparatus claims. In apparatus claims, it is the final product that is given patentable consideration. In column 18, EKEDAL discloses that his frame (1) can be metal; however, he does not emphasize "roll formed sheet metal". It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended as an obvious matter of design choice.

***Allowable Subject Matter***

Claims 17-23 and 33-37 are allowed.

Claims 8-10,15-16 and 27-28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***


Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yvonne M. Horton  
10/14/05